

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,605	05/20/2004	Mark L. Schirmer	2550/A18	6733
2101 7	590 04/12/2005		EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET			KWOK, HELEN C	
BOSTON, MA 02110-1618			ART UNIT	PAPER NUMBER
			2856	
			DATE MAILED: 04/12/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

		H.W	
	Application No.	Applicant(s)	
Office Action Comme	10/849,605	SCHIRMER ET AL.	
Office Action Summary	Examiner	Art Unit	
	Helen C. Kwok	2856	
The MAILING DATE of this communical Period for Reply	tion appears on the cover sheet wit	h the correspondence address	
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this communication of the period for reply specified above is less than thirty (30) of the period for reply is specified above, the maximum statuth - Failure to reply within the set or extended period for reply will Any reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).	ATION.  BY CFR 1.136(a). In no event, however, may a recation.  ays, a reply within the statutory minimum of thirty ory period will apply and will expire SIX (6) MONT, by statute, cause the application to become ABA	ply be timely filed  (30) days will be considered timely.  'HS from the mailing date of this communication.  NDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed	on		
2a) This action is <b>FINAL</b> . 2b)	☑ This action is non-final.		
3) Since this application is in condition for closed in accordance with the practice	-	• •	
Disposition of Claims			
4) ☑ Claim(s) 1-22 is/are pending in the approach 4a) Of the above claim(s) is/are 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) 1-22 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction	withdrawn from consideration.		
Application Papers			
9) The specification is objected to by the E	xaminer.		
10) The drawing(s) filed on is/are: a	) $□$ accepted or b) $□$ objected to b	y the Examiner.	
Applicant may not request that any objection	n to the drawing(s) be held in abeyand	ce. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the 11) The oath or declaration is objected to be	· · · · · · · · · · · · · · · · · · ·		
Priority under 35 U.S.C. § 119			
	cuments have been received. cuments have been received in Ap the priority documents have been r I Bureau (PCT Rule 17.2(a)).	oplication No received in this National Stage	
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) Interview Su		
<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO3)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO-1449 or PTO-1449</li></ol>		/Mail Date ormal Patent Application (PTO-152) 	



Application/Control Number: 10/849,605

Art Unit: 2856

# **DETAILED ACTION**

# Claim Objections

 Claims 1-22 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, line 1, what is the word "it" referring to?

In claim 10, line 1, what is the word "it" referring to?

In claim 14, line 1, it appears that the phrase – wherein the – should be inserted before the word "sensing".

In claim 19, line 3, it appears the phrase "the motion detector" should be changed to – the motion sensor --. In lines 2-3, the phrase "a longitudinal axis directly securing including aligning" is not clearly understood. Please clarify.

In claim 20, line 1, the phrase "The apparatus" should be changed to -- An apparatus --. In line 1, the word "process" should be changed to -- method --.

In claim 21, line 1, what is the word "it" referring to?

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Application/Control Number: 10/849,605

Art Unit: 2856

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,711,951 (Kicher et al.).

Kicher et al. discloses an acceleration measurement system comprising, as illustrated in Figures 1-16, a fastener 16,24 having a plurality of surfaces wherein the fastener being directly coupleable with an object 12; a motion sensor 14 (i.e. an accelerometer) secured to one of the plurality of surfaces of the fastener. (See, column 3, lines 4-25).

With regards to claims 2-8, the motion sensor comprises a package 226 which is secured to one of the plurality of surfaces of the fastener wherein the fastener (i.e. a bolt 206) has an outer surface with at least one thread 220 and a shaft forming an interior surface such that the motion sensor is secured to the interior surface (i.e. a bore) filled with a fill material 22,204 (i.e. dampen material) or an exterior surface such that the motion sensor is secured to the exterior surface; and the motion sensor has a sense axis and the fastener has a longitudinal axis wherein the sense axis is aligned either parallel or perpendicular to the longitudinal axis; and connect detection circuitry. (See, column 3, line 31 to column 9, line 2).

With regards to claims 10-22, the claims are commensurate in scope with the above claims and are rejected for the same reasons as set forth above.

# Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Application/Control Number: 10/849,605

Art Unit: 2856

The references cited are related to sensors mounted onto a test object held by a fastener.

Page 4

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hck April 6, 2005 Helen C. Kwok Art Unit 2856